HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

AND

HONOURABLE SRI JUSTICE D.APPA RAO

WRIT APPEAL No.536 OF 2006

Dated:24.05.2006

Between:

..... PETITIONER

AND

.....RESPONDENTS

HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

AND

HONOURABLE SRI JUSTICE D.APPA RAO

WRIT APPEAL No.536 OF 2006

JUDGMENT: *(per Hon'ble Sri Justice L.Narasimha Reddy)*

The appellant claims that he has been granted patta in respect of Ac.2.06 guntas of land in Survey No.89 of Shaikpet Village and that ever since then he has been in possession of the same. Complaining that the respondents are trying to dispossess him, the petitioner filed W.P.No.7053 of 2006. The writ petition was dismissed

on 13.04.2006. Hence, this writ appeal.

The learned counsel for the appellant submits that his client holds valid title over the said land and apart from patta, entries in several revenue records support the same.

The learned Government Pleader for revenue, on the other hand, submits that the land in Sy.No.89 is treated as “Shikkam Sarkari” and the appellant does not have any right over the said land.

By their very nature, the proceedings under Article 226 of the Constitution of India are unsuited for determination of title, particularly where the facts are disputed. If the appellant was granted patta, it will certainly constitute the basis of the title, but the same has to be declared by a Court of competent civil jurisdiction. If the appellant is so advised, he can file a suit for declaration of title or mere injunction, as the case may be, and in such an event, there would be proper avenues for both the parties to assert their own contentions. Therefore, we do not find any basis to interfere with the order passed by the learned Single Judge.

The writ appeal is, accordingly, dismissed, leaving it open to the appellant to work out his remedies, in accordance with law. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

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D.APPA RAO, J

24.05.2006

dr/jsu

HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

AND

HONOURABLE SRI JUSTICE D.APPA RAO

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WRIT APPEAL No.536 OF 2006

(per Hon'ble Sri Justice L.Narasimha Reddy)

Dated:24.05.2006